



**TEXAS**  
Health and Human  
Services

**Texas Department of State  
Health Services**

# Delayed Registration

VSS Reporting and Registration Branch

Janell Burks, MBA

Registration and Delayed Registration Manager



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# Agenda:

- Timely Registration
  - Birth
  - Death
- Delayed Registration
  - Delayed Birth
  - Court-Ordered Delayed Birth
  - Court-Ordered Delayed Death



# Timely Filed Certificate of Birth

- Any birth certificate properly filed within one (1) year of the date of birth
- Must be filed within 5 days of a live birth [HSC § 192.003(d), TAC § 181.1 ]
- Filing submitted by the attendant at birth
  - Licensed Institution (Hospital or Birthing center)
  - Non-Licensed Institution (Doctor, Midwife, EMT or Parent)
- No fee to file



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# Timely Filed Certificate of Death

- Any death certificate properly filed within one (1) year of death
- Filed within 10 days of the date of the death [HSC § 193.003(a)]
- Filing submitted by funeral director or person acting as such [HSC 193.002]
- Filed electronically in TxEVER [HSC § 193.002]
- Amendments are submitted to VSS [HSC § 191.028]
- No fee to file



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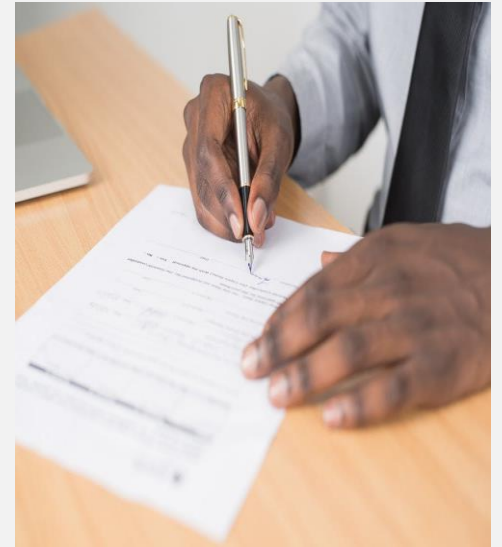


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# Delayed Certificate of Birth

- Any birth certificate not properly filed within 1 year of birth (HSC §192.022 & TAC §181.60 )
- VSS verifies that no birth or death is on file in Texas (TAC §181.64)
- Qualified applicant submits Delayed Birth Application to VSS (HSC §192.022 & TAC §181.61)
- Supporting documents are required §192.025 & TAC §181.62 )
- Filing fee [TAC §181.22(m)]



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# Delayed Birth Filing Process: Customer

- Customer must request a certified copy of the birth
  - VSS must conduct a formal search for the record
  - If birth is not on file, VSS sends the customer:
    - Not Found Letter
    - Delayed Birth Application
- Qualified Applicant
  - Person named on the birth record, if over 18 yrs.
  - Parent(s) named on the record, if child under 18 yrs.
  - Legal guardian(s), managing conservator or legal representative (proof required)



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# Delayed Birth Filing Process: Customer (*Cont.*)

- Qualified applicant must apply & submit:
  - Delayed Birth Application
  - Required filing fee of \$25.00
  - Supporting documents
    - Substantiate birth facts
  - Acceptable Identification [TAC 181.28]





# Delayed Birth Filing Process: VSS Delayed Registration Team

- Review delayed birth applications
  - Complete, legible, accurate, required fee, etc.
- Verify that no birth or death is on file in Texas
  - Send birth and death record search to VSS & to local registrar
- Review supporting documents
  - Suspicious, required number, support birth facts, etc.
- Return documents to the applicant
  - Maintain copies of acceptable supporting documents if delayed birth is filed at VSS



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# Delayed Birth Filing Process: VSS Delayed Registration Team (*Cont.*)

- Verify some supporting documents
  - Send verification letters to custodian of record(s)
- Provide written & verbal assistance to applicants
  - Explain process, request additional supporting documents, etc.
- File delayed birth if application is approved
- Refer to court if application is rejected



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# Supporting Documents: General Requirements

- Must include registrant's full name at birth, date of birth (month/day/year) and place of birth (city/state)
- At least 1 (one) must include name of parent(s) including mother's maiden name
- From independent sources
- Originals, certified copies or signed statements from the custodian of the record(s)



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# Supporting Documents: General Requirements *(Cont'd)*

- For applicants 15 years or older, documents must be at least 5 years old
  - Except the State of Texas, Affidavit of Birth Facts
- At least 1 document should be created within the first 10 years of life
- Contradictory documents are not acceptable



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# Supporting Documents: Suspicious or Fraudulent

- Registrant's signature is foreign
- Foreign birth certificate of child showing registrant was born in another country
- Supporting document(s) states registrant was schooled and/or lived in another country
- Sibling's date of birth within 6 months of registrant
- Foreign birth certificate for registrant

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
FILE NUMBER 151 61 10641  
CERTIFICATE OF LIVE BIRTH

1a. Child's First Name (Type or print) BARACK  
1b. Middle Name HUSSEIN  
1c. Last Name OBAMA  
2. Sex Male  
3. Date of Birth 1. This Birth 4. If Twin or Triplet, Was Child Born Single ☒ Twin ☐ Triplet ☐ 5a. Month August 5b. Year 1961  
6. Place of Birth City, Town or Rural Location Honolulu  
7a. Name of Hospital or Institution (If not in hospital or institution, give street address, city and state or foreign country) Kapiolani Maternity & Gynecological Hospital  
7b. Usual Residence of Mother: City, Town or Rural Location Honolulu  
7c. Usual Residence of Father: City, Town or Rural Location Honolulu  
7d. Street Address 6085 Kalanianaʻole Highway  
7e. Mother's Mailing Address Honolulu  
8. Full Name of Father BARACK OBAMA  
9. Race of Father African  
10. Age of Father 25  
11. Birth Date of Father 12. Usual Occupation of Father Student  
13. Full Maiden Name of Mother STACY DUNHAM  
14. Race of Mother Caucasian  
15. Date of Birth of Child AUG - 1 1961  
16. Date of Signature 8-7-61  
17. Signature of Registrar David A. Simlan  
18. Signature of Mother Stacy Dunham Obama  
19. Signature of Father Barack Obama  
20. Date Accepted by Local Reg. AUG - 8 1961  
21. Date Accepted by Reg. General AUG - 8 1961

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# Supporting Documents: Suspicious or Fraudulent (*Cont.*)

- Out of state birth certificate for registrant
- Contradictory supporting documents
- Copies of documents not verifiable
- Place of birth in non-neighboring counties
- Parent or child names on documents are different
- Date of birth is not the same on documents
- Registrant is deceased



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# Suggested Supporting Documents: May Include Parentage

- SSA Numident Printout
  - Information from original SSA application & subsequent replacement SSN cards
  - Applicant submits request to SSA
- SSA Copy of Original Application
  - First SSN issued by SSA
  - Applicant submits request to SSA



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# Suggested Supporting Documents: May Include Parentage (*Cont.*)

- Baptismal Certificate
  - Only 1 from each church
- School Records
  - Only 1 from each district
- State of Texas, Affidavit of Birth Facts
  - Only 1 can be submitted



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# Suggested Supporting Documents: May or May Not Include Parentage

- Armed Forces Records
  - DD Form 214
  - Selective Service Records
- Hospital or Medical Records
  - Midwife
  - Ambulance
  - EMS
  - Fire Department
- Certified Copy of Birth  
Certificates of Children born  
outside of Texas



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# Supporting Document Requirements: At Least 1 but Less than 4 Years of Age at Filing

- Submit at least two (2) supporting documents that prove [TAC §181.26]:
  - Evidence of pregnancy
    - Prenatal record, statement from physician, etc.
  - Evidence infant was born alive
    - Statement from physician or health care provider, etc.
  - Evidence birth occurred in Texas
    - Statement from health care provider, etc.
  - Evidence birth occurred on the date stated
    - Medical record, prenatal record, etc.



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# Supporting Document Requirements: At Least 4 but Less than 15 Years of Age at Filing

- Submit at least two (2) supporting documents that prove (HSC §192.025):
  - Date of Birth
  - Place of Birth
  - Parentage
- Only one (1) Affidavit of Birth Facts is acceptable

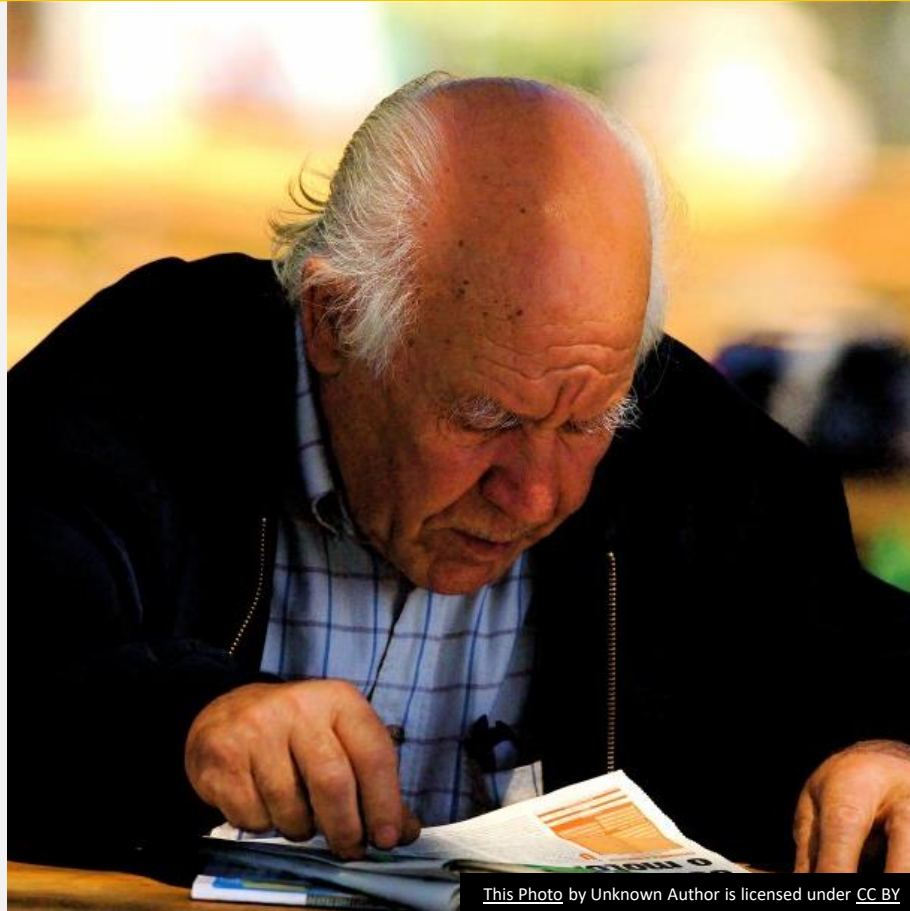


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# Supporting Document Requirements: Over 15 Years of Age at Filing



- Submit at least three (3) supporting documents that support (HSC §192.025):
  - Date of Birth
  - Place of Birth
  - Parentage
- Only one (1) Affidavit of Birth Facts is acceptable



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# Reasons for Rejected or Returned Applications

Required number of supporting documents are not submitted

Out of state or foreign birth record is located

Contradictory documents

Supporting documents do not include birth name, date of birth and/or place of birth

Parentage document is not provided

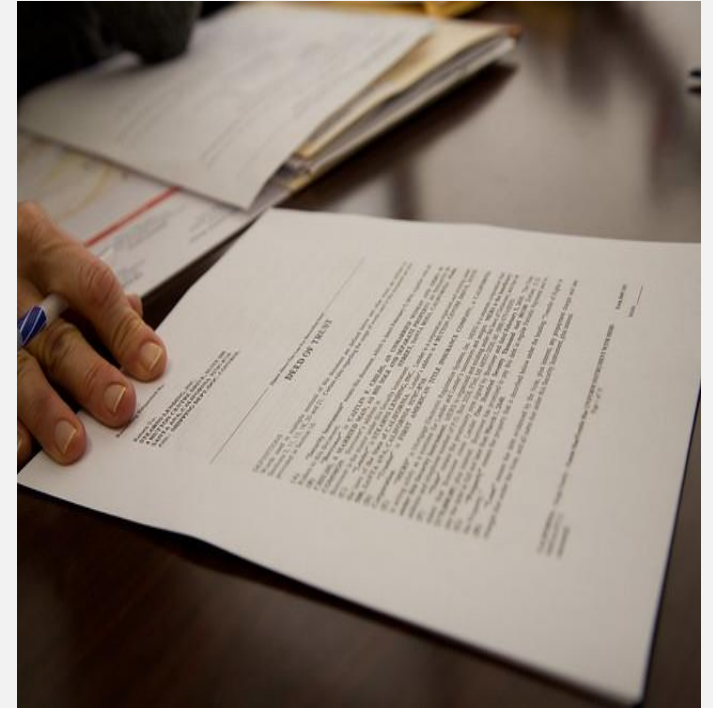
Only Affidavit of Birth Facts are submitted, can only accept 1 (one)



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# Reasons for Rejected or Returned Applications (*Cont.*)

- Unable to verify the following supporting documents:
  - Hospital & Medical Records
  - School Records
  - Baptismal Records
- Required filing fee not paid
- Application not actively pursued
- Birth facts are not supported by supporting documents



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# Judicial Birth Registration: Court-Ordered Delayed Birth Filing

- If VSS does not register a delayed certificate of birth (HSC 192.027):
  - Applicant can request a court-ordered delayed birth record by appealing to:
    - Texas statutory probate court or district court in the county where they reside or where the birth occurred
  - VSS provides the applicant with (HSC 192.026):
    - Blank Petition for Delayed Certificate of Birth (VS-123.1)
    - Court referral letter with:
      - Reason(s) for rejection
      - List of court(s) with jurisdiction



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# Judicial Birth Registration: Petition for Delayed Certificate of Birth (VS- 123.1)

- Petition must include, but not limited to:
  - Petitioner's full name, date of birth, place of birth, race or ethnicity & gender
  - Whether petitioner has been the subject of a final felony conviction or registration requirements of Ch.62, Code of Criminal Procedure
  - Legible and complete set of the petitioner's fingerprints

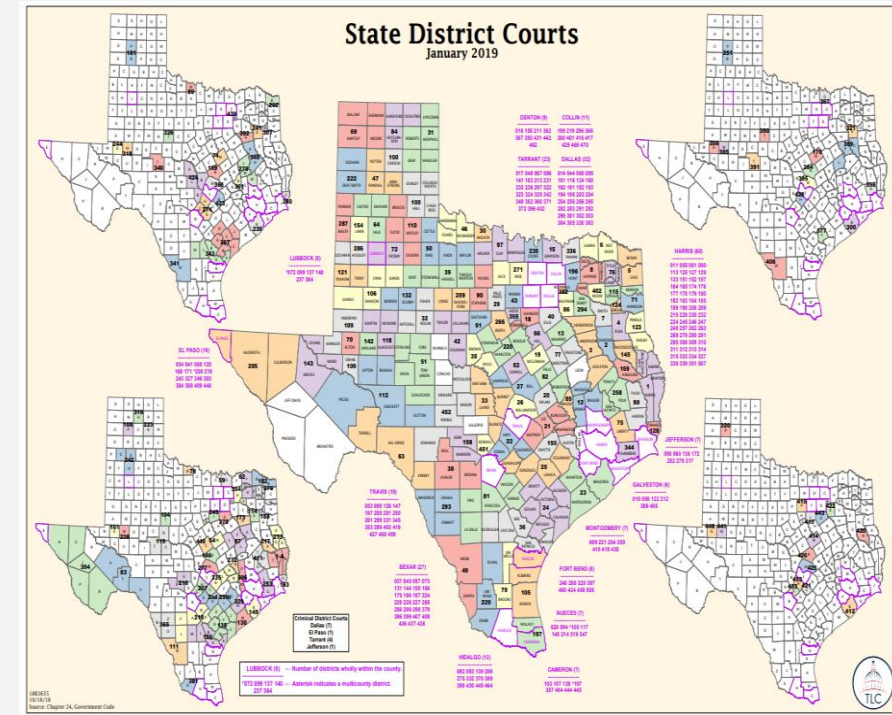


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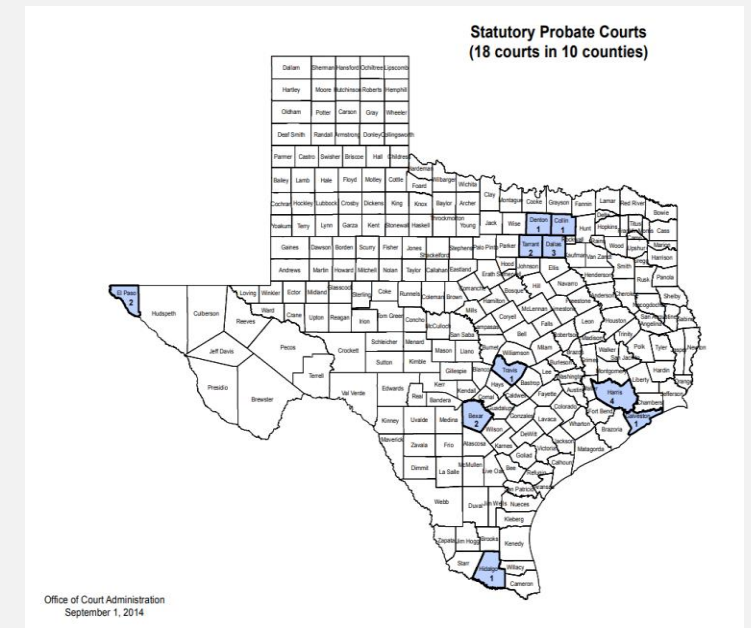
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- 477 District Courts in Texas
  - At least 1 in each county
- Petitioner provides the district court with (HSC 192.027):
  - Petition for Delayed Certificate of Birth (VS- 123.1)
  - Legible & complete set of the petitioner's fingerprints
  - Copy of the VSS court referral letter
  - Documentary evidence submitted to VSS



# Judicial Birth Registration: Statutory Probate Courts

- 10 Statutory Probate Courts in Texas:
  - Bexar, Collin, Dallas, Denton, El Paso, Harris, Hidalgo, Galveston, Tarrant & Travis Counties
- Petitioner provides the statutory probate court with (HSC 192.027):
  - Petition for Delayed Certificate of Birth (VS- 123.1)
  - Legible & complete set of the petitioner's fingerprints
  - Copy of the VSS court referral letter
  - Documentary evidence submitted to VSS

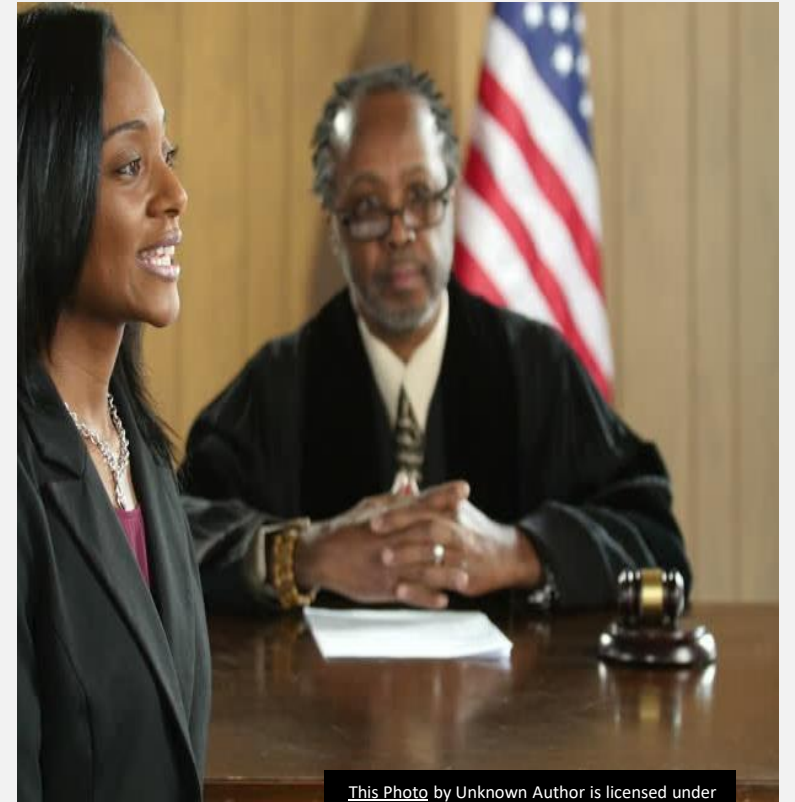




# Judicial Birth Registration: Amendment to Delayed Certificate of Birth (VS-124)

To amend a Court Order Delayed Certificate of Birth (VS-123):

- Return to the court who issued the original certificate:
  - Court completes Amendment to Delayed Certificate of Birth (VS-124) form
  - Court sends VS-124 to VSS



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# Judicial Death Registration: Court-Ordered Death Filing

- Any death not filed within 1 year from the date of death (HSC 193.007)
  - Deceased is judicially declared dead
  - Deceased remains found where date of death is greater than 1 year
- Filed by the county probate court in the county of death
  - Court-Ordered Delayed Certificate of Death (VS-128)



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STATE OF TEXAS Court-Ordered Delayed Certificate of Death STATE FILE NUMBER

1. NAME OF DECEASED (a) FIRST (b) MIDDLE (c) LAST (d) MIDDLE INITIAL (e) SUFFIX 2. DATE OF DEATH

3. DATE OF BIRTH 4. AGE (in Years) (a) UNDECEASED (b) UNDECEASED (c) UNDECEASED (d) UNDECEASED 5. BIRTHPLACE (City & State or Foreign Country) 6. SOCIAL SECURITY NUMBER

7. MARITAL STATUS AT TIME OF DEATH (a) MARRIED (b) SINGLE (c) DIVORCED (d) SEPARATED (e) WIDOWED (f) OTHER 8. SURVIVING SPOUSE (if any, give full name) 9. RACE 10. WAS DECEASED EVER IN U.S. ARMED FORCES? (a) YES (b) NO

11. RESIDENCE STREET ADDRESS 12. CITY OR TOWN 13. COUNTY 14. STATE 15. ZIP CODE 16. NEAREST CITY LIMIT (a) YES (b) NO

17. CATHOLIC NAME 18. CATHOLIC MAIDEN NAME 19. COUNTY OF DEATH 20. CITY/TOWN, ZIP (if different from 12, give full name) 21. NAME OF HOSPITAL OR FACILITY (if not included, give street address)

22. DATE OF DISPOSITION 23. PLACE OF DISPOSITION (Name of Cemetery, Church, or Other Place) 24. PART I. UNDERLYING CAUSE OF DEATH 25. APPROX. INTERVAL BETWEEN DEATH & DEATH

26. PLACE OF DISPOSITION (Name of Cemetery, Church, or Other Place) 27. PART II. CONTRIBUTORY CAUSE (S) 28. SIGNATURE (Physician, etc.) 29. SIGNATURE (Notary Public, etc.)

30. NAME OF PHYSICIAN (Physician, etc.) 31. NAME OF PHYSICIAN (Physician, etc.) 32. NAME OF PHYSICIAN (Physician, etc.) 33. NAME OF PHYSICIAN (Physician, etc.)

34. ADDRESS 35. LOCATION (Street & Number, City, State) 36. SIGNATURE (Notary Public, etc.) 37. SIGNATURE (Notary Public, etc.)

38. SIGNATURE (Notary Public, etc.) 39. SIGNATURE (Notary Public, etc.)

AFFIDAVIT A

Before me on this day appeared \_\_\_\_\_ known to me to be the person who signed the foregoing certificate, who on oath deposes and says: "The facts stated in this death certificate of \_\_\_\_\_ are true and correct to the best of my knowledge and belief, and that I was the \_\_\_\_\_ at the time the death occurred."

Sworn to and subscribed before me, This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for \_\_\_\_\_ County, Texas

AFFIDAVIT B (to be used when Affidavit A is signed by someone other than the physician last in attendance or the funeral director in charge of disposition)

Before me on this day appeared \_\_\_\_\_ known to me to be the person who signed this affidavit, who on oath deposes and says: "The facts stated on the foregoing death certificate of \_\_\_\_\_ are true and correct to the best of my knowledge and belief, and that I am acquainted with the facts and that I am not related to the individual by blood or marriage."

Sworn to and subscribed before me, This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for \_\_\_\_\_ County, Texas

The foregoing death of \_\_\_\_\_ and Safety code, Sec. 193.007. It is the order of this court that this record \_\_\_\_\_ was submitted to the court, as provided for in Health and Safety code, Sec. 193.007. It is the order of this court that this record \_\_\_\_\_ be accepted \_\_\_\_\_ not be accepted \_\_\_\_\_

Signed: \_\_\_\_\_ County Probate Judge

Date \_\_\_\_\_, 20\_\_\_\_ County Probate Court of \_\_\_\_\_ County

# Judicial Death Registration: Court-Ordered Delayed Certificate of Death (VS-128)

- Supported by an Affidavit(s) signed before a notary public
  - If physician last in attendance, funeral director or personal acting as the funeral director signs Affidavit A, the Affidavit B need not be completed

## AFFIDAVIT A

Before me on this day appeared \_\_\_\_\_ known to me to be the person who signed the foregoing certificate, who on

Oath deposes and says: "The facts stated in this death certificate of \_\_\_\_\_ are true and correct to the best of my knowledge and belief, and that I was the

☐ physician last in attendance  
☐ funeral director in charge of disposition, or person acting as such  
☐ other person who was acquainted with the facts surrounding the death

} at the time the death occurred."

Sworn to and subscribed before me. This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Signed: \_\_\_\_\_



[Seal]

Notary Public in and for \_\_\_\_\_ County, Texas

## AFFIDAVIT B (to be used when Affidavit A is signed by someone other than the physician last in attendance or the funeral director in charge of disposition)

Before me on this day appeared \_\_\_\_\_ known to me to be the person who signed this affidavit, who on oath deposes  
And says: "The facts stated on the foregoing death certificate of \_\_\_\_\_ are true and correct to the best of my knowledge and belief, and that I am acquainted with the facts and that I am not related to the individual by blood or marriage."

Sworn to and subscribed before me. This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Signed: \_\_\_\_\_

[Seal]

Notary Public in and for \_\_\_\_\_ County, Texas



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# Judicial Death Registration: Court-Ordered Delayed Certificate of Death (VS-128) (Cont.)

- If the person is believed to be dead, the person must be judicially declared dead
- Date of death can be the date the person went missing
- Can write “Presumed” within the date of death box

## Missing Persons

24. PART I: UNDERLYING CAUSE OF DEATH		APPOX. INTERVAL BETWEEN ONSET & DEATH
Continually missing since November 2010. Declared, presumed dead by court order April 4, 2016		Unknown
25. Part II: CONTRIBUTORY CAUSE (S)		
Random County Cause # 01 - 23456		
26. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input checked="" type="checkbox"/> Undetermined		
27a. DATE OF INJURY Unknown	27b. INJURY AYT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
27c. LOCATION (Street & Number, City, State) Unknown		
27d. DESCRIBE HOW INJURY OCCURRED Unknown		



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# Judicial Death Registration: Court-Ordered Delayed Certificate of Death (VS-128)

- Can write “Unknown” for missing information
- Can write “Found” within the date of death box
- Sometimes name of deceased is John Doe or Mary Doe with the ME’s case number

## Remains Found

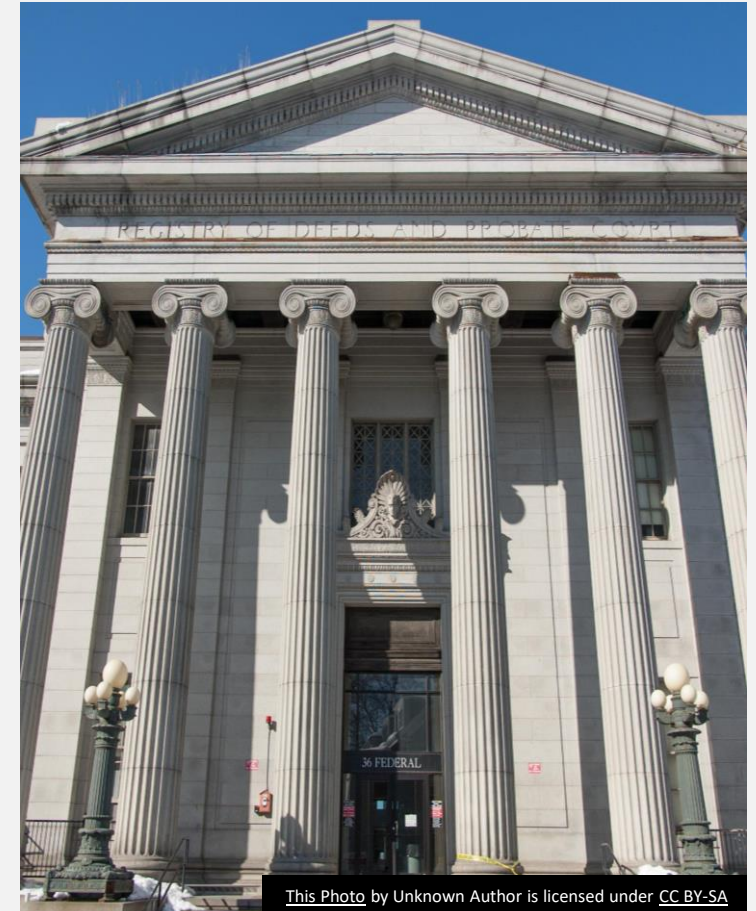
24. PART I: UNDERLYING CAUSE OF DEATH		APPOX. INTERVAL BETWEEN ONSET & DEATH
Undetermined		Unknown
25. Part II: CONTRIBUTORY CAUSE (S)		
Unknown		
26. MANNER OF DEATH		
<input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input checked="" type="checkbox"/> Undetermined		
27a. DATE OF INJURY	27b. INJURY AYT WORK?	
Unknown	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
27c. LOCATION (Street & Number, City, State)		
Unknown		
27d. DESCRIBE HOW INJURY OCCURRED		
Unknown		



# Judicial Death Registration: Amendment to Delayed Certificate of Death (VS-124.1)

To amend a Court-Ordered Delayed Certificate of Death (VS-128):

- Return to the probate court who issued the original certificate:
  - Court completes Amendment to Delayed Certificate of Death (VS-124.1) form
  - Court sends VS-124.1 to VSS



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# Questions





# Thank you!

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